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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW SMITH,

Defendant.

Case No. 2:20-mj-00123-DJA

Stipulation to Continue Preliminary
Hearing Date (Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, Travis Leverett, Assistant United States Attorney, counsel for the United States of America and Erin Gettel, counsel for defendant Matthew Smith:

THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR March 30, 2020, at 4:00 p.m. before U.S. Magistrate Judge Albregts be vacated and set to a time convenient for the Court, but no earlier than the afternoon of April 20, 2020.

This stipulation is entered into for the following reasons:

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04 (collectively with General Order

2020-03, “the General Orders”), which noted that “the COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the closure of many business establishments and strongly encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented other changes, including “striving to eliminate in-person court appearances.” In the event any hearing must go forward, the Court will conduct the hearing via video or teleconference. The Court will vacate or amend GO 2020-04 no later than April 30, 2020.

2. The government is seeking to obtain and review additional discovery before presenting this case to the grand jury.
3. Defense counsel and counsel for the government agree to the continuance.
4. The defendant is in custody and agrees to the continuance
5. Denial of this request for continuance could result in a miscarriage of justice.
6. The additional time requested by this Stipulation is excludable in computing the time from the filing of the criminal complaint through which the government must assert an criminal Information or seek an Indictment by the Grand Jury pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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1 7. This is the second request for a continuance.

2 Dated this 23 day of March 2020.

3 Respectfully Submitted,

4 NICHOLAS A. TRUTANICH
5 United States Attorney

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7 /s/ *Travis Leverett*
8 TRAVIS LEVERETT
9 Assistant United States Attorney

10 /s/ *Erin Gettel*
11 ERIN GETTEL,
12 Assistant Federal Public defender
13 Counsel for Matthew Smith
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04 (collectively with General Order 2020-03, “the General Orders”), which noted that “the COVID-19 pandemic has continued to spread,” resulting in the need for “more aggressive social-distancing measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the closure of many business establishments and strongly encouraged all citizens to stay home.” Accordingly,

1 the Court ordered the temporary closure of the Clerk's office, and implemented
2 other changes, including "striving to eliminate in-person court appearances." In
3 the event any hearing must go forward, the Court will conduct the hearing via
4 video or teleconference. The Court will vacate or amend GO 2020-04 no later than
5 April 30, 2020.

6 2. The period within which the government may assert an Information or seek an
7 Indictment through the Grand Jury against the defendant is hereby extended from
8 the date of the filing of the complaint up through and including April 20, 2020.

9 3. The government is seeking to obtain and review additional discovery before
10 presenting this case to the grand jury.

11 4. Both counsel for the defendants and counsel for the government agree to the
12 continuance.

13 5. The defendant is in custody and agrees to the continuance.

14 6. The additional time requested by this Stipulation is excludable in computing the
15 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title
16 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18,
17 United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

18 7. This is the second request to continue the preliminary hearing.

19 For all of the above-stated reasons, the ends of justice would best be served by a
20 continuance of the preliminary hearing.

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DATED this 25th day of March, 2020.

Daniel J. Albregts
United States Magistrate Judge